

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Application of:****Arpan P. Mahorowala et al.****Serial No.: 09/902,727****Art Unit: 2822****Filed: July 12, 2001****Examiner: Novacek, Christy L****For: Lateral-Only Photoresist  
Trimming For Sub-80 NM  
Gate Stack Definition.****Atty Docket: YOR920000064US1  
(20140/0268)****DECLARATION UNDER 37 CFR § 1.131****Commissioner for Patents  
Washington, D.C. 20231****Sir:**

**Arpan P. Mahorowala a co-inventor of the invention defined in U.S. patent application 09/902,727 hereby declares that:**

- 1. I have reviewed and understand the contents of the Office Action dated 09/23/2003.**
- 2. I understand that the Examiner has rejected claims 1-8, 12-13, 17-18, 20, and 22-30 under 35 U.S.C. § 103(a) as being unpatentable over Pike et al. (US 6,420,097) ("Pike").**
- 3. Pike was filed May 2, 2000.**
- 4. I declare that the present invention was conceived prior to the filing of the Pike reference and was pursued with diligence from the time of conception until the filing date of the present application.**

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5. Evidentiary support for conception and diligence prior to the Pike filing is provided in the application as filed. Figure 4 of the application comprises two electron micrographs. Each electron micrograph is provided indicia emplaced by the automatic camera system used to take the pictures. A first micrograph, labeled WD12, is dated 12-Jan-00 (January 12, 2000). A second micrograph, labeled WD13, is dated 23-Dec-99 (December 23, 1999).
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U. S. C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Arpan P. Mahorowala Arpan P. Mahorowala, Date 11.23.03